AMENDED                                    Serial No. **58519**

# APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office........ FEB 0 3 1993

Returned to applicant for correction........ MAR 0 2 1993

Corrected application filed........ APR 2 9 1993 ........Map filed... APR 2 9 1993 ... under 58518

The applicant........ Mentaberry Brothers

........ P.O. Box 248 ........of........ McDermitt
Street and No. or P.O. Box No.                                City or Town

........ Nevada 89421
State and Zip Code No. ........hereby make.... application for permission to change the

........ manner of use and the place of use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under........ Permit Number 46405
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is........ Underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed........ .1 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for........ stockwatering purposes (650 head of cattle)
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for........ mining and milling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point........ within the NW¼ SE¼ of Section 16, T.47N.,
Describe as being within a 40-acre subdivision of public survey and by course and

R.37E., M.D.B.&M., or at a point from which the SE corner of said Section 16
distance to a section corner. If on unsurveyed land, it should be stated.

bears S 45° E a distance of 2800.0 feet.

6. The existing permitted point of diversion is located within........ the NW¼ SE¼ of Section 16, T.47N.,
If point of diversion is not changed, do not answer.

R.37E., M.D.B.&M., or at a point from which the SE corner of said Section 16

bears S 45° E a distance of 2800.0 feet.

7. Proposed place of use........ within the NW¼ SE¼ of Section 16, T.47N., R.37E., M.D.B.&M.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use........ SE¼, SE¼ SW¼ of Section 22; SW¼ of Section 23; NW¼ NW¼ of Section
26; NE¼, E½ NW¼, W½ Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

SE¼, E½ SW¼ of Section 27; NE¼ NW¼ of Section 34; all within T.47N., R.37E.,
manner of use of irrigation permit, describe acreage to be removed from irrigation.

M.D.B.&M. Manner of use to be changed from mining and milling to stockwatering.

9. Use will be from........ January 1st ........to........ December 31st ........of each year.
Month and Day                          Month and Day

10. Use was permitted from........ January 1st ........to........ December 31st ........of each year.
Month and Day                          Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.)... completed well and tanks
State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works........ completed

13. Estimated time required to construct works........ completed

14. Estimated time required to complete the application of water to beneficial use............1 year........................................

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

.................Currently 0.577 c.f.s. of water exists under Permit No. 46405. This...........

.................application only requests 0.1 c.f.s. of water..............................................

Desert-Mountain, Inc. as agent
By s/John H. Milton III............................
146 West Second Street
Winnemucca, NV 89445

Compared........bc/bc...........l/ gk...........

Protested..........................................................................................................................................

**\* \* \* \* \* \* \* \* \* \***

### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 46405, Certificate 13643, is issued subject to the terms and conditions imposed in said Permit 46405, Certificate 13643, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 58518 and 58519 shall not exceed 682.22 acre-feet annually.

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.020** cubic feet per second, **or sufficient to water 650 head of cattle.**

Work must be prosecuted with reasonable diligence and be completed on or before:
**June 15, 2008**

Proof of completion of work shall be filed on or before:
**July 15, 2008**

Water must be placed to beneficial use on or before:
**June 15, 2011**

Proof of the application of water to beneficial use shall be filed on or before:
**July 15, 2011**

Map in support of proof of beneficial use shall be filed on or before:
**N/A**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **15th** day of **June**, A.D. **2006**

_____
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A _____

Certificate No. _____ Issued _____